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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,406	01/22/2004	Haruo Sato	XA-10029	3307
181	7590	03/24/2005	EXAMINER SUGARMAN, SCOTT J	
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			ART UNIT 2873	PAPER NUMBER

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,406

Applicant(s)

SATO

Examiner

Scott J. Sugarman

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-11, 13-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 5-8, 12, 16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-22-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9-11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Betensky et al (US 4,838,668). Betensky et al (in Figs. 8-10) teaches a zoom lens system having, in order from an object: a first lens group (57) having negative refractive power; a second lens group (59) having positive refractive power; zooming being carried out by varying an air space between the first lens group (57) and the second lens group; the first lens group (57) including at least, in order from the object, a negative lens (1b-2b or 3b-4b), and positive lens (5b-6b); the second lens group including, in order from the object, a front lens group (7b-11b) having positive refractive power and a rear lens group (12b-16b) having positive refractive power; the front lens group including, in order from the object, positive lens (7b-8b) and a cemented lens constructed by a positive lens (9b-10b) cemented with a negative lens

(10b-11b); the rear lens group including, in order from the object, a cemented lens constructed by a negative lens (12b-13b) cemented with a positive lens (13b-14b). The lens of Betensky et al satisfies the condition D_s/D as defined in claim 1, since Fig. 10 (the table for Figs. 8 and 9) teaches a ratio of 0.7 (43.28 at the wide angle end divided by 61.21). The embodiment for Table 13 (the lens of Figs. 11 and 12) teaches a similar result (0.6) that falls in the claimed range. The result for the condition of claim 2 is between 0.5 and 15. The result for the condition of claims 3 and 9 is 0.36, which is between 0 and 0.45. The result for the condition of claims 4, 10 and 11 is 0.164, which is between 0 and 0.45. The result for the condition of claim 15 is 1.84, which is greater than 1.79.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Betensky et al. Betensky et al is applied as set for against claim 1, above.

Betensky et al does teach an Abbe number for the positive lens in the first lens group (v1p) of 23.6. The condition of claim 13 and 17 requires that this element must have an Abbe number of less than 23.2. Since Betensky et al teaches the claimed lens structure and there is only as slight difference (0.4) in the Abbe number of this specific element

as taught by Betensky et al, this is considered to be an obvious variation that would provide the intended result of the entire lens system. Besides, rounded to whole digits, they are the identical, 23. The result for the condition of claim 14 is 1.84, which is greater than 1.79.

Allowable Subject Matter

Claim 20 is allowed.

Claims 5-8, 12, 16, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 20, the prior art does not teach or suggest a first lens group consisting of a negative lens and a positive lens having a convex surface to the object (along with the other recited structure). Regarding claims 5-8, 12, 16, 18 and 19, the prior art does not teach or suggest an aperture stop arranged between the front lens group and the rear lens group (along with the other recited structure).

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Obama is cited to show a zoom lens system having some similar structure but does not teach all of the claimed conditions.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott J. Sugarman whose telephone number is (571)272-2340.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Scott J. Sugarman
Primary Examiner
Art Unit 2873

sj
March 18, 2005